IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 09.03.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPTHKUMAR

Writ Appeal No.136 of 1999

Nagore Durgha shariff,
rep. by its Managing Trustee
Haji, M.S.M.Shaik Bava Sahib (saighu),
Nagore - 611 002,
Nagai District. ... Appellant/Petitioner

vs.

1. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.3, Santhome High Road,
Chennai 600 004.

2. The Indian Overseas bank,
No.20, Thirupalli Street,
Nagore-611 002. ... Respondents/Respondents

Appeal under Clause 15 of the Letters Patent against the order (passed by VSSJ) in W.P.No.17111/1998 dated 15.12.1998.

For Appellant : Mr.S.Abdul Samath

For R-1 : Mr.Munir Shariff

For R-2 : Mr.P.Chandrasekaran

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J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

. . . . . .

The above Writ Appeal is directed against the order of the learned single Judge, dated 15.12.1998, made in W.P. No.17111 of 1998, in and by which, the learned Judge dismissed the Writ

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Petition with liberty to the petitioner to approach the Waqf Tribunal to vindicate their grievance.

2. Heard learned counsel for the appellant as well as the respondents.

3. It is not in dispute that the relief prayed for by the petitioner/appellant is to be agitated only before the Waqf Tribunal. When such an effective remedy is available, we are of the view that the learned Judge is perfectly right in directing the petitioner to approach the Tribunal. Similar view has been expressed by a Division Bench of this Court in W.A. No.2344 of 2000, Judgment dated 31.01.2005. In view of the same, we do not find any ground for interference. Writ Appeal fails and the same is dismissed. No costs. However, as observed by the leaned single Judge, the appellant is free to move the Waqf Tribunal, if they so desire, to vindicate their grievance.

09.03.2006.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Chief Executive Officer, Tamil Nadu Wakf Board, No.3, Santhome High Road, Chennai 600 004.

2. The Manager, The Indian Overseas bank, No.20, Thirupalli Street, Nagore-611 002.

1 cc to Mr.S.Abdul Samath, Advocate, SR.11733
1 cc to Mr.M.Muniruddin Sheriff, Advocate, SR.11638
1 cc to Mr.P.Chandrasekaran, Advocate, SR.11552

tej (co)

dv/21.3.06

W.A. No.136 of 1999.

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